

IN THE SENATE

SENATE BILL NO. 1255

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE ESCAPE OF PRISONERS; AMENDING SECTION 18-2505, IDAHO CODE,
TO REVISE PROVISIONS RELATING TO THE ESCAPE BY A JUVENILE FROM CUSTODY;
AND AMENDING SECTION 18-2506, IDAHO CODE, TO REVISE PROVISIONS RELATING
TO THE ESCAPE BY A JUVENILE FROM CUSTODY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-2505, Idaho Code, be, and the same is hereby
amended to read as follows:

18-2505. ESCAPE BY ONE CHARGED WITH, CONVICTED OF, OR ON PROBATION
FOR A FELONY -- ESCAPE BY A JUVENILE FROM CUSTODY. (1) Every prisoner
charged with, convicted of, or on probation for a felony who is confined
in any correctional facility, as defined in section 18-101A, Idaho Code,
including any private correctional facility, or who while outside the
walls of such correctional facility in the proper custody of any officer
or person, or while in any factory, farm or other place without the walls
of such correctional facility, who escapes or attempts to escape from such
officer or person, or from such correctional facility, or from such factory,
farm or other place without the walls of such correctional facility, shall
be guilty of a felony, and upon conviction thereof, any such second term
of imprisonment shall commence at the time he would otherwise have been
discharged. Escape shall be deemed to include abandonment of a job site
or work assignment without the permission of an employment supervisor
or officer. Escape includes the intentional act of leaving the area of
restriction set forth in a court order admitting a person to bail or release
on a person's own recognizance with electronic or global positioning system
tracking ~~or monitoring, and detention~~ or the area of restriction set forth
in a sentencing order, except for leaving the area of restriction for the
purpose of obtaining emergency medical care. A person may not be charged
with the crime of escape for leaving the aforementioned area of restriction
unless the person was notified in writing by the court at the time of setting
of bail, release or sentencing of the consequences of violating this section
by intentionally leaving the area of restriction.

(2) Any person who is charged with, found to have committed,
adjudicated for or is on probation for an offense which would be a felony if
committed by an adult, and who is confined in a juvenile detention facility
or other secure or nonsecure facility for juveniles and who escapes or
attempts to escape from the facility or from the lawful custody of any
officer or person shall be subject to proceedings under chapter 5, title
20, Idaho Code, for an offense which would be a felony if committed by an
adult. If the juvenile is or has been proceeded against as an adult, pursuant
to section 20-508 or 20-509, Idaho Code, the person shall be guilty of a

1 felony for a violation of this section and shall be subject to adult criminal
2 proceedings.

3 SECTION 2. That Section 18-2506, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 18-2506. ESCAPE BY ONE CHARGED WITH OR CONVICTED OF A MISDEMEANOR --
6 ESCAPE BY A JUVENILE FROM CUSTODY.

7 (1) (a) Every prisoner charged with or convicted of a misdemeanor who
8 is confined in any county jail or other place or who is engaged in any
9 county work outside of such jail or other place, or who is in the lawful
10 custody of any officer or person, who escapes or attempts to escape
11 therefrom, is guilty of a misdemeanor. Escape includes the intentional
12 act of leaving the area of restriction set forth in a court order
13 admitting a person to bail or release on a person's own recognizance
14 with electronic or global positioning system tracking, or monitoring,
15 ~~and detention~~ or the area of restriction set forth in a sentencing
16 order, except for leaving the area of restriction for the purpose of
17 obtaining emergency medical care. A person may not be charged with
18 the crime of escape for leaving the aforementioned area of restriction
19 unless the person was notified in writing by the court at the time of
20 setting of bail, release or sentencing of the consequences of violating
21 this section by intentionally leaving the area of restriction.

22 (b) In cases involving escape or attempted escape by use of threat,
23 intimidation, force, violence, injury to person or property other than
24 that of the prisoner, or wherein the escape or attempted escape was
25 perpetrated by use or possession of any weapon, tool, instrument or
26 other substance, the prisoner shall be guilty of a felony.

27 (2) Any person who is charged with, found to have committed,
28 adjudicated for or is on probation for an offense which would be a
29 misdemeanor if committed by an adult, and who is confined in a juvenile
30 detention facility or other secure or nonsecure facility for juveniles
31 and who escapes or attempts to escape from the facility or from the lawful
32 custody of an officer or person, shall be subject to proceedings under the
33 provisions of chapter 5, title 20, Idaho Code, for an act which would be a
34 misdemeanor if committed by an adult, or, if the escape or attempted escape
35 was undertaken as provided in subsection (1)(b) of this section, for an
36 offense which would be a felony if committed by an adult. If the juvenile
37 is or has been proceeded against as an adult, pursuant to section 20-508
38 or 20-509, Idaho Code, the person shall be guilty of a misdemeanor, or if
39 subsection (1)(b) of this section applies, of a felony and, in either case,
40 shall be subject to adult criminal proceedings.